

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: April 28, 2004

Opposition No. **91152044**

MONSTER CABLE PRODUCTS, INC.

v.

JOEL BARRY SHAMITOFF

Andrew P. Baxley, Interlocutory Attorney:

The request (filed April 16, 2004) withdraw as applicant's counsel of record in this case is hereby denied without prejudice because it fails to comply with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40.¹

Specifically, the request does not include proof of service of the request upon the client and upon every other party to the proceeding.² See Patent and Trademark Rule

¹ The Board notes that applicant's counsel filed the request to withdraw with the USPTO's Intent to Use Division and indicated therein that a notice of allowance had issued in connection with involved application Serial No. 76278209. Inasmuch as the involved application is subject of the above-captioned proceeding, the request to withdraw should have been directed to the Board. Further, the Board notes that no notice of allowance has issued in connection with the involved application.

The Board notes in addition that a power of attorney is granted to individuals and not to firms. See TBMP Section 114.03.

² A copy of the request to withdraw is included with opposer's copy of this order.

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10.40, 37 CFR § 10.40. *Cf. In re Legendary Inc.*, 26 USPQ2d 1478 (Comm'r 1992).

In view thereof, applicant's counsel is allowed **THIRTY DAYS** from the mailing date of this order to submit a request to withdraw from this proceeding which complies with Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, failing which proceedings will be resumed with applicant's counsel remaining of record.

Except to the extent indicated above, proceedings are suspended. The parties will be notified by the Board when proceedings are resumed, and appropriate dates will be rescheduled in due course.

A copy of this order has been sent to all persons listed below.

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